UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA	)	**CASE NO. 5:17cr204**
Plaintiff,	)	
v.	)	**JUDGE DAN AARON POLSTER**
RABIH KAIROUZ et al,	)	
Defendant(s).	)	**CRIMINAL JURY TRIAL ORDER**

A **Pretrial Conference** is scheduled for **Monday, July 24, 2017 at 12:30 p.m.** in the courtroom of Judge Dan A. Polster, **Courtroom 18B** of the United States District Courthouse, **801 W. Superior Ave., Cleveland, Ohio**. Lead counsel of record must be present and prepared with full authority to discuss all aspects of the case, including any pending motions and trial schedule. The Defendant must be present. **A PLEA PURSUANT TO A WRITTEN PLEA AGREEMENT MUST BE TAKEN BY THIS DATE.**

A **Final Pretrial** is scheduled for Monday**, July 31, 2017 at 1:30 p.m.** in the courtroom of Judge Dan A. Polster, **Courtroom 18B** of the United States District Courthouse, **801 W. Superior Ave, Cleveland**, Ohio . Lead counsel of record must be present and prepared with full authority to discuss all aspects of the case, including any pending motions, jury instructions, witness and exhibit lists. The defendant also must be present.

This case is scheduled for **Trial on Monday, August 7, 2017 at 1:00 p.m.** in the courtroom of Judge Dan A. Polster, **Courtroom 18B** of the United States District Courthouse, **801 W. Superior Ave, Cleveland**, Ohio.

The following instructions will govern the operation of the trial and the obligations of parties and their counsel:

1. TRIAL DAYS

Trials will begin at 9:00 a.m. and continue until 5:30 p.m., unless circumstances dictate otherwise. A one (1) hour lunch break and two (2) fifteen minute breaks will be provided for. Counsel must notify the Court's staff of issues to be addressed by the Court outside the presence of the jury so that trial may proceed with as few interruptions as possible. Accordingly, counsel should expect to be present in the courtroom from 8:30 a.m. until 5:30 p.m. in order to address matters outside the presence of the jury.

All parties are to be present in the courtroom at all times when the jury is seated.

2. STIPULATIONS OF FACT AND PRELIMINARY STATEMENTS

Counsel for the parties shall confer with one another in order to prepare written stipulations as to all uncontested facts to be presented at trial to the jury or to the Court, as the case may be. Stipulations of fact are strongly encouraged in order to eliminate the need for testimony of witnesses to facts which are not in dispute. Said stipulations shall be signed by both counsel as well as the defendant, filed with the Court and faxed to the Court's chambers no later no later than three (3) business days prior to the final pretrial conference date**.** The fax number for the Court's chambers is **216-357-7195**.

Counsel shall also prepare and submit a Joint Preliminary Statement (not to exceed 2 pages) describing the case in an impartial, easily understood and concise manner for use by the Court either during voir dire or at the time the jury is impaneled. This statement will be used to set the context of the trial for the jury and must be faxed to chambers no later than three (3) business days prior to the final pretrial conference date**.**

3. MOTIONS, TRIAL BRIEFS, EXHIBIT LISTS, WITNESS LISTS

Motions other than Motions *in Limine* shall be filed within thirty (30) days following the date of arraignment. **Trial briefs, exhibit lists** and any **Motions *in Limine***, shall be filed, exchanged by hand delivery or fax, and faxed to chambers no later than no later than three (3) business days prior to the final pretrial conference date A complete trial brief includes: (a) a statement of the facts; (b) a complete discussion of the controlling law together with specific citations of statutes and case law; and (c) a discussion of any evidentiary issues likely to arise at trial. **Witness lists** shall be faxed to chambers (do not file or exchange) no later than three (3) business days prior to the final pretrial conference date. The witness lists shall provide a brief description and the purpose of each witness, and shall list and briefly describe each item of documentary or physical evidence which is to be offered.

Each attorney shall have a continuing obligation to supplement the party's exhibit and witness lists immediately upon learning of any additional witness. Exhibits not identified and exchanged prior to trial shall not be introduced at trial, absent a showing of good cause. This rule applies to lay witnesses as well as to expert witnesses.

4. OBJECTIONS

Any objections to a proposed exhibit shall be filed, served, and faxed to chambers no later than 12:00 p.m. noon one (1) business day before the final pretrial conference. Such objections shall include a brief statement as to why the proposed witness exhibit should not be permitted or admitted, as well as, specific citations to pertinent case law or other legal authority.

5. MARKING OF EXHIBITS

Exhibits shall be marked before trial with exhibit stickers and shall be listed on the attached exhibit chart. Exhibit stickers are available from the clerk's office upon request. Plaintiff shall mark exhibits with numbers beginning with 1, and the defendant shall mark exhibits with numbers beginning with 1001. (*e.g.*, "Pl. Ex. 1" and "Deft. Ex. 1001") All exhibits must indicate the case number on the bottom portion of the exhibit sticker.

If there are multiple parties, the party's last name should precede the numbers or letters (*e.g.*, "Pl. Smith-1" or "Deft. Jones-1001"). Joint exhibits are strongly encouraged and shall be marked "Joint Ex. 1," "Joint Ex. 2," etc.

Whenever a multi-page exhibit is used, each page of the exhibit must be separately numbered. For example, if Plaintiff's Exhibit 1 is a three-page document, the first page should be marked as Pl. Ex. 1-1, the second page marked as 1-2, and the third page marked as 1-3.

Where more than ten (10) exhibits are offered by a party, it is required that counsel place all exhibit sets in a three-ring loose-leaf binder/notebook with appropriately marked divider tabs and a table of contents. **Two** (2) copies of all exhibits and the exhibit chart shall be furnished to the Court on the morning of trial.

Exhibits themselves will not be filed with the Clerk of Court.

6. VOIR DIRE

The Court will conduct initial *voir dire* of the panel and of individual panel members. The Court will thereafter allow one counsel for each party to question the panel briefly on issues not addressed by the Court.

Proposed questions for the Court's *voir dire* must be filed, served and faxed to chambers no later than three (3) business days prior to the final pretrial conference date.

7. JURY INSTRUCTIONS

Counsel are required to provide jury instructions and verdict forms to the Court only on the law applicable to the particular charges for which the defendant is on trial. The Court will provide general boilerplate instructions on issues such as credibility, burden of proof, etc.

Counsel shall exchange proposed jury instructions and verdict forms **no later than ten (10) calendar days** prior to the final pretrial date. Counsel shall then confer regarding their respective proposals in an effort to reach an agreement regarding as many jury instructions and interrogatories as possible.

A single joint submission of jury instructions and verdict forms shall be filed and hand-delivered or faxed to chambers no later than three (3) business days prior to the final pretrial conference date, providing: (1) agreed upon instructions; (2) instructions proposed by plaintiff, but opposed by defendants; and (3) instructions proposed by defendants, but opposed by plaintiffs. All proposed instructions shall be supported by citations to legal authority.

Such single joint submission of jury instructions and interrogatories to the Court **shall be made in writing AS WELL AS produced on a CD**. The CD should be formatted for an IBM compatible computer. The Court is equipped with WordPerfect X3. When submitting the CD to the Court, to avoid accidental erasure, counsel are advised to alert the security guards when entering the building. **The CD may be brought and submitted to the Court at the final pretrial**

conference.

8. JENCKS AND RECIPROCAL JENCKS MATERIAL

Unless there is a well-founded concern for the safety of the witness, the parties are strongly encouraged to provide Jencks and reciprocal Jencks material no later than the close of proceedings the day before the witness is expected to testify

9. SPECIAL INSTRUCTIONS TO COUNSEL

Any and all motions, responses, stipulations, objections, pleadings or memoranda filed or required within two (2) business days of any plea, conference, hearing, final pretrial, or trial, shall be faxed to chambers as well as to opposing counsel on the same day it is filed. If and when a **plea or change of plea** is scheduled, the plea agreement shall be faxed to the Court not later than one day prior to the plea.

10. CONDUCT OF COUNSEL

Pursuant to the Statement on Professionalism issued by the Supreme Court of Ohio on February 3, 1997, counsel are directed to be courteous and civil in all oral and written communications with each other and the Court. Pleadings or any other communications which do not conform to this standard will be rejected.

IT IS SO ORDERED.

/s/Dan Aaron Polster 6/7/2017
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

**TIME LINE OF OBLIGATIONS
UNDER THIS TRIAL ORDER**

Ten (10) calendar days before Final Pretrial Conference

1) Counsel to exchange their proposed jury instructions with each other in order to then confer and arrive at agreed-upon instructions.

By no later than three (3) business days prior to the final pretrial conference date

1) File and hand deliver or fax to chambers a **single, joint, submission of proposed jury instructions and verdict forms** indicating (1) **agreed upon instructions**; (2) instructions proposed by plaintiff, but opposed by defendants; and (3) instructions proposed by defendants, but opposed by plaintiffs. (CD with the proposed jury instructions may be brought and submitted to the Court at the final pretrial.)

2) Fax to chambers a Joint Preliminary Statement (not more than 2 pages) describing the case in an impartial, easily understood and concise manner for use by the Court to be read to the jury.

3) File and fax to chambers Stipulations of Fact, signed by counsel and the defendant.

4) File, exchange and fax to chambers trial briefs, exhibit lists, proposed voir dire questions, and Motions *in Limine*.

5) Fax to chambers witness lists.

One (1) business day before Final Pretrial Conference (no later than 12 noon)

1) File, exchange and fax to chambers any objections to exhibits.

Final Pretrial Conference

1) **Bring the CD** consisting of the agreed upon jury instructions and interrogatories to the final pretrial conference.

Morning of Trial

1) Submit to the Court two (2) copies of trial exhibits organized in a three-ring looseleaf binder, and two (2) copies of the exhibit chart.

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Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	
	)	
	)	
	)	
Defendant.	)	

PLAINTIFF/DEFENDANT EXHIBITS

EXHIBIT NO.	DESCRIPTION	I.D.	OFFERED	OBJ	ADMITTED	NOT ADMITTED
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